

William Avon NEAL *v.* STATE of Arkansas

CR 98-1318

979 S.W.2d 93

Supreme Court of Arkansas  
Opinion delivered November 19, 1998

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the record was tendered late due to a mistake on his part is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

*John L. Kearny*, for appellant.

No response.

**P**ER CURIAM. Appellant, William Avon Neal, by his attorney, John L. Kearney, has filed a motion for belated appeal. His attorney admits that the record was tendered late due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 295 Ark. 964 (1979) (per curiam).

Because appellant's attorney admitted fault and his motion was proper under Ark. R. App. P.—Crim. 2, the motion to file belated appeal was granted, and the per curiam was treated as a motion for rule on the clerk.

A copy of this per curiam will be forwarded to the Committee on Professional Conduct. *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964.